

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Evelis Otero	Team: Team # 6	CCRB Case #: 201006373	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 05/10/2010 12:30 PM	Location of Incident: § 87(2)(b)	Precinct: 46	18 Mo. SOL 11/10/2011	EO SOL 11/10/2011	
Date/Time CV Reported Thu, 05/13/2010 8:38 AM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/13/2010 8:38 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Harry Delacruz	20377	941272	046 PCT
2. POM Elisha Duncan	03073	926793	046 PCT
3. Officers			

Officer(s)	Allegation	Investigator Recommendation
A. Officers	Abuse: Officers stopped § 87(2)(b) on May 10, 2010.	§ 87(2)(b)
B. Officers	Abuse: Officers searched § 87(2)(b) on May 10, 2010.	§ 87(2)(b)
C.POM Elisha Duncan	Force: PO Elisha Duncan used physical force against § 87(2)(b) on May 12, 2010.	§ 87(2)(b)
D.POM Harry Delacruz	Force: PO Harry Delacruz used physical force against § 87(2)(b) on May 12, 2010.	§ 87(2)(b)

Case Summary

On May 13, 2010, § 87(2)(b) filed a complaint via telephone with the CCRB, on behalf of his § 87(2)(b) - old stepson, § 87(2)(b). Although § 87(2)(b) did not witness either incident, he reported two separate incidents that occurred on May 10, 2010 and May 12, 2010. On May 10, 2010, at an unspecified time, § 87(2)(b) was in the vicinity of § 87(2)(b) in the Bronx, when he was allegedly stopped and searched by unidentified officers (**Allegations A and B**). § 87(2)(b) was not arrested or issued a summons on May 10, 2010. On May 12, 2010, at approximately 12:30pm, § 87(2)(b) was allegedly stopped by unidentified officers in the vicinity of § 87(2)(b) in the Bronx. The officers brought § 87(2)(b) into the lobby of § 87(2)(b), where they searched him. Afterwards, the officers brought § 87(2)(b) upstairs in the building and allegedly “assaulted” him (**Allegations C and D**). § 87(2)(b) was arrested and charged with § 87(2)(b).

Neither § 87(2)(b) nor § 87(2)(b) provided any identifying information for any of the officers involved in the May 10, 2010 incident. A request for a stop and frisk report for § 87(2)(b) relating to the May 10, 2010 incident was negative. Because no information is available to identify the officers involved in the May 10, 2010 incident, Allegations A and B are pleaded against officers from an unidentified command. On the date that § 87(2)(b) filed this complaint, he also filed CCRB case number § 87(2)(b) on behalf of his wife § 87(2)(b). § 87(2)(b) stated that one of the subject officers (PO1) involved in the incident with his wife was also one of the officers involved in the May 12, 2010 arrest of § 87(2)(b). During a subsequent phone conversation with § 87(2)(b) she identified PO1 as PO Duncan and described him as a bald, uniformed 6’2”, 200 pound, Black male in his 30s or 40s. PO Duncan was subsequently identified via investigation as PO Elisha Duncan assigned to the 46th Precinct. A review of § 87(2)(b) May 12, 2010 arrest report reveals that PO Harry Delacruz stopped him inside of § 87(2)(b) for suspicion of § 87(2)(b) and that a search incident to arrest for § 87(2)(b) revealed that § 87(2)(b) was § 87(2)(b).

§ 87(2)(g)

The investigator called § 87(2)(b) three times between May 18, 2010 and May 24, 2010 and established contact with him once. § 87(2)(b) refused to speak with the investigator at the time of the call because he was on his way to work and asked the investigator to call at a later time. Three subsequent calls were made to § 87(2)(b) between May 28, 2010 and June 3, 2010. A total of six calls were made. Each time detailed messages were left for § 87(2)(b). Three letters were mailed to § 87(2)(b) on May 18, 2010, May 28, 2010 and June 4, 2010. The letters were not returned to the CCRB. A search of the NYC DOC Inmate Lookup Service yielded negative results. § 87(2)(g)

Team: 6

Investigator: _____ Evelis Otero 06/18/10
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date